

REMARKS

Claims 1-18 and 25-30 are pending in the application. Claims 1-18 and 25-30 are rejected. In response, Claims 1, 10 and 25 are amended. No claims are added and no claims are cancelled. Claims 19-24 were previously cancelled. Reconsideration of the pending claims is respectfully requested in view of the following remarks.

I. Claims Rejected Under 35 U.S.C. §103

Claims 1-3, 6, 7, 10-12, 15, 16 and 25-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,055,167 issued to Masters (“Masters”) in view of PCT Publication No. WO 00/40021 of Montie et al. (“Montie”).

Claims 4, 5, 8, 9, 13, 14, 17 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Masters and Montie in view of U.S. Patent No. 7,212,730 issued to Boston et al. (“Boston”).

Claim 1 is amended to add the previously-implied step “outputting to the personal channel the preferred program at the preferred duration”. A similar amendment is made to independent Claims 10 and 25, as well.

As set forth in the claims, the present invention outputs using a personal channel of a personal digital recorder, programs preferred by a user beginning at times preferred by a user. This differs from the prior art which simply record programs for later playback, which can be accessed by an EPG. According to the present invention, not only is an EPG created which includes the user preferred programs, an actual channel is created which contains the programs which are available at a time preferred by the user. That is, Applicant defines “preferred duration” as a specific point in time (i.e., day and time) at which the preferred program is available on the preferred channel (*See*, for example, paragraphs [0088] and [0108] of the published application). In this manner, the user is able to access the user’s preferred channel at a particular time knowing that programming desired to be available is available on the preferred channel at the preferred time.

In addition, the invention updates instance description data to include the preferred duration and the preferred program, which updated instance description data is used to generate

an EPG for informing the user that the preferred program is available on the personal channel at the preferred duration, i.e., time.

In this connection, it should be noted that as provided at paragraph [0044] of the published application, instance description metadata is program schedule information published by a service provider. However, as called for in the claims, this instance description data is updated to include the fact that the program attached to the instance description data is a preferred program and has a preferred duration, i.e., start time.

In maintaining the rejection, the Examiner cites Masters and Montie. However, the Examiner relies upon the teachings of Montie to provide the personal channel element of the claimed invention. However, a virtual channel, which the Examiner construes as Applicant's personal channel, is created by a scheduler module 16 (*See*, page 5, line 26 – page 6, line 21 of Montie). The scheduler module creates a personal program schedule for the virtual channel in response to a user command or automatically on a daily basis. The user profile comprises guidelines such as duration (i.e., length of program, not start time) and/or based on program type. Thus, Montie's scheduler module looks at programming on a DVR (also known as a PDR) and programming from the received broadcast stream. However, Montie's DVR does not determine programs to output to a personal channel, which does not exist as that term is defined and used by Applicant. In this connection, it should be noted that duration (i.e., length of program as that term is used by Montie), and/or based on program type are arguably comparable to content description data. However, content description data is general information on programming content provided by the service provider (*see*, paragraph [0056] of Applicant's published specification). However, content description data differs from instance description data, as those terms are defined by Applicant, and used in the claims. Thus, although Montie's scheduler possibly uses data comparable to content description data, Montie's scheduler does not utilize instance description data, as claimed by Applicant. The instance description data which does not exist in Montie (or Masters or Boston) is needed to output preferred programs on the personal channel at preferred durations (i.e., start times).

Thus, the Examiner's contention at page 4 of the Action that it would be obvious to modify the PDR with personal channel service of Masters, including an EPG module as taught by Montie to generate the EPG information, even if correct, still does not result in Applicant's invention which also requires outputting to the personal channel the preferred program at the

preferred duration (i.e., start time) and generating the EPG based on updated instance description data.

Thus, the cited references, separately or in combination, do not disclose each of the elements recited in amended independent Claims 1, 10 and 25 and their respectively dependent claims; i.e., Claims 2-9, 11-15 and 26-30. Thus, Claims 1-18 and 25-30 are non-obvious over the cited references.

Thus, for at least the reasons set forth above, Claims 1-18 and 25-30 are not obvious over Masters, Montie and Boston. Accordingly, withdrawal of the § 103(a) rejection of Claims 1-18 and 25-30 is respectfully requested.

CONCLUSION

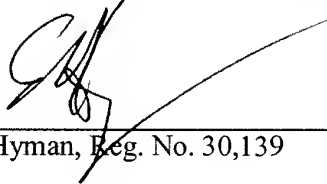
Accordingly, Applicant submits that the claims pending following entry of this amendment, namely Claims 1-18 and 25-30, are now in condition for allowance, which early action is requested.

If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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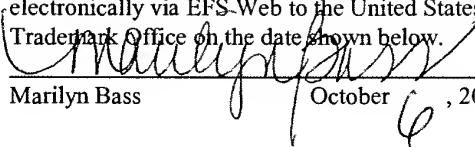
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS-Web to the United States Patent and Trademark Office on the date shown below.


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